

Remarks

The present Amendment and Response is believed to be fully responsive to the Non-final Office Action mailed April 22, 2009. After entry of the present Amendment, Claims 1-10, 12-21, 23, 24, 26, and 28-33 are pending in this application. By this Amendment, independent Claims 1, 12, and 23 and dependent Claims 2-10, 13-21, 24, 28, and 29 have been amended. Dependent Claims 11 and 22 have been cancelled without prejudice, and new dependent Claims 30-35 have been added. Dependent Claims 25 and 27 were previously canceled without prejudice by prior response. It is respectfully asserted that no new matter has been added by the foregoing amendments. Reconsideration of the application is requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0087468 to Ganesan et al. (hereinafter "*Ganesan*"). More specifically, the Office Action argued that *Ganesan* teaches a system that evaluates a plurality of risk reduction techniques based on at least one predetermined factor in order to select a risk reduction technique that will be utilized process a payment request.

It is believed that the examined claims are allowable over *Ganesan*. However, in order to expedite the allowance of the present application, independent Claims 1, 12, and 23 have been amended to clarify the claimed inventions of the independent claims. More specifically, independent Claim 1 has been amended to recite "assembling a plurality of debit options available for fulfilling the received payment request, wherein each of the plurality of debit options is associated with a respective risk processing method selected from the group consisting of (i) real-time debit authorization, (ii) batch good funds processing, (iii) guaranteed funds processing, (iv) debit-hold-credit processing, and (v) risk analysis, and wherein a first of the plurality of debit options is associated with a different risk processing method than a second of the plurality of debit options" (Underlining supplied). Independent Claim 1 has further been amended to recite "evaluating ... each of the plurality of debit options based on at least one predetermined factor associated with each of the plurality of debit options" and "selecting ... one

of the plurality of debit options ... based at least in part on the evaluation ..." (Underlining supplied). Independent Claims 12 and 23 have been amended in a similar manner. Support for these amendments may be found at least in paragraphs [0154], [0162], and [0186] – [0194] of the Specification as filed and in FIGS. 6A-6B.

It is respectfully submitted that *Ganesan*, which is co-owned by the assignee of the present patent application, does not teach or suggest each and every element of the amended independent claims. More specifically, *Ganesan* does not teach or suggest assembling a plurality of debit options available for fulfilling the received payment request, wherein each of the plurality of debit options is associated with a respective risk processing method selected from the group consisting of (i) real-time debit authorization, (ii) batch good funds processing, (iii) guaranteed funds processing, (iv) debit-hold-credit processing, and (v) risk analysis. In marked contrast, *Ganesan* appears to relate to a system in which the same risk processing techniques are performed for all payment requests, regardless of a debiting type that is utilized. In fact, *Ganesan* specifically states that "a need exists for a risk processing technique which does not rely upon, or result in, a determination between forms of payment" (*Ganesan* at paragraph [0012]).

Accordingly it is respectfully asserted that amended independent Claims 1, 12, and 23 are allowable over *Ganesan*. Therefore, it is respectfully asserted that the amended independent claims are in condition for allowance. Additionally, it is respectfully asserted that dependent Claims 2-10, 13-21, 24, 26, and 28-35 are allowable as a matter of law as being dependent on an allowable base claim, notwithstanding their independent recitations of patentable subject matter.

Patentability of the New Dependent Claims 30-31, and 33-34

By this Amendment, new dependent Claims 30-31 and 33-34 have been added. New dependent Claims 30-31 depend from independent Claim 1 and new dependent Claims 33-34 depend from independent Claim 2. As discussed below, it is respectfully submitted that *Ganesan* does not teach or suggest the elements of the new dependent claims in combination with the elements of the independent claims from which they depend. Additionally, it is respectfully asserted that new dependent Claims 30-31 and 33-34 are allowable as a matter of law as being

dependent on an allowable base claim, notwithstanding their independent recitations of patentable subject matter.

New dependent Claims 30 and 33 recite “the at least one predetermined factor comprises at least one of (i) a cost of processing factor, (ii) a risk of processing factor, or (iii) a speed of processing factor.” In certain embodiments of the claimed inventions, a processing factor of risk, cost, or speed may be selected. For example, a processing factor may be selected based on preferences of the payor, payee, or a service provider. The selection of a processing factor may determine a preferred factor amongst cost, risk, and speed for processing a payment request and selecting an appropriate debit option. Each of the plurality of debit options may then be evaluated using the processing factor, and one of the debit options may be selected based upon the evaluation.

It is respectfully asserted that *Ganesan* does not teach or suggest the selection of a predetermined factor of risk, speed, or cost that is then utilized to evaluate each of a plurality of debit options available for a proposed payment request. Accordingly, it is respectfully asserted that new dependent Claims 30 and 33 are allowable over *Ganesan*.

New dependent Claims 31 and 34 recite that “a respective numeric value for the at least one predetermined factor is stored for each of the plurality of debit options” and that “evaluating each of the plurality of debit options based on at least one predetermined factor comprises evaluating each of the plurality of debit options based at least in part on the stored respective numeric values.” It is respectfully asserted that these features in combination with those of the independent claims from which dependent Claims 31 and 34 depend are not taught or suggested by *Ganesan*. Accordingly, it is respectfully asserted that new dependent Claims 31 and 34 are allowable over *Ganesan*.

Serial No. 10/631,970
Filing Date: August 1, 2003
Amendment and Response to Non-Final Office Action

Conclusion

It is believed that each matter raised by the Office Action has been responded to. Allowance of the pending claims is respectfully solicited. It is not believed that extensions of time or additional fees are required beyond those that may otherwise be provided for in the documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

If there are any issues which can be resolved by teleconference call or an Examiner's Amendment, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Rhett S. White
Reg. No. 59,158

Date: **July 13, 2009**

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, N.E.
Atlanta, Georgia 30309-3996
Tel. No. 404.853.8037
Fax No. 404.853.8806

Attorney Docket No. 23952-0108